TRAFFICKING IN PERSONS

U.S. DEPARTMENT OF DEFENSE AWARENESS INITIATIVE

It Was Late Afternoon…

"I was washing dishes at the river with six other girls. We tried to run, but they caught us. Three girls resisted. To punish them, they cut off their ears. They knifed out their eyes. Then they killed them."

"I was so afraid, I couldn't move. They said if we struggled, they would kill us too. They raped us. They held me down. It was the first time I had sex."

Sierra Leone is No Place to be Young," NY Times, Feb. 14, 1999

Slavery is Happening **Now**

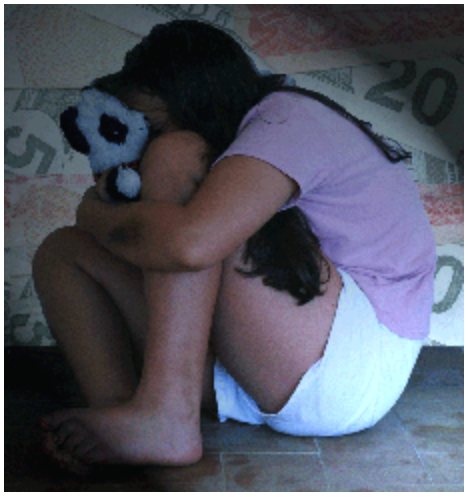


Photo Credit: UNODC

It’s Worse Than You Realize

Trafficking in persons is the **2nd largest** criminal activity in the world, following illegal drugs Just in front of illegal arms

Who is Responsible?

Who is Responsible?

The “bad guys” are not just the people who operate the trafficking enterprise – they are also their customers, who could be:

- **Contractors**
- **Government Civilians**
- **Military Personnel**

Agenda

- US/DoD Policy
- Trafficking Phenomenon
- Detection
- Legal Provisions
- General Summary
- Localization by Theater

Zero Tolerance in the Armed Forces

Involving yourself with trafficking **jeopardizes your career**

U.S. Government Resolve

On December 16, 2002 the President signed a National Security Presidential Directive mandating a “zero tolerance” policy toward trafficking among members of the US armed services, civilian employees and civilian contractors

ZERO
TOLERANCE

Photo Credit: DOD JDCC

From the Commander in Chief

"…the policy of the United States is to attack vigorously the worldwide problem of trafficking using law enforcement, diplomacy, and all other appropriate tools."

"Those who patronize this industry debase themselves and deepen the misery of others. Governments that tolerate this trade are tolerating a form of slavery."

(President George W. Bush, Sept 2003)

U.S. Government Resolve

January 30, 2004

Deputy Secretary of Defense expressly forbids involvement with trafficked people by U.S. troops, government civilians and defense contractors

U.S. Government Resolve

"[Trafficking in persons] is a violation of human rights; it is cruel and demeaning; it is linked to organized crime; it undermines our peacekeeping efforts; and it is incompatible with military core values"

U.S. Government Resolve

September 16, 2004

Secretary of Defense calls for commanders at all levels to ensure their units are trained to understand and recognize indicators of this serious crime

U.S. Government Resolve

February 16, 2007

Department of Defense Instruction for Combating Trafficking in Persons assigns roles and responsibilities to all DoD components and incorporates the 2 policy memos

Forward Progress

You have the opportunity to create **positive change**

Photo Credit: Human Rights Watch

The following presentation will show you how

Photo Credit: Dept of Labor

TRAFFICKING PHENOMENON

Poverty is So Miserable…

"I was desperate. When they offered work, I had no choice but to accept. Soon after my arrival in Japan, I realized that I had been sold. My life after that was like that of an animal."

"I was sold three more times and forced to have sex everyday. My owner threatened that wherever I escaped to, I would be traced and killed and so would my parents in Thailand."

"Set me free: Women immigrants often forced into prostitution"
New Internationalist, Siriporn Skrobanek, September 1998

Trafficking Phenomenon

Objectives

- Be able to define trafficking in persons
- Be aware of the origins of trafficking in persons
- **Be able to identify behaviors of the perpetrators of this problem**

What is Trafficking in Persons?

The United Nations defines trafficking as:

Recruitment, transportation, transfer, harboring or receipt of persons. . .

By means of the threat, use of force, coercion, abduction, fraud, deception, abuse or exploitation

Trafficking is…

- Holding and/or transporting people against their will
- Forcing people into servitude through violence and/or deception

Trafficking is…

- Buying or selling human beings
- Supporting the above by hiring forced prostitutes or patronizing forced labor establishments

Photo Credit: UNODC

Vocabulary

- Involuntary Servitude
- Debt bondage
- Commercial Sex Act
- Sex Trafficking

The Victims

Most victims are women and children who have been:

- Kidnapped
- Tricked
- Coerced/Forced
- Sold by their families

Photo Credit: DOD JCCC

Circumstances Leading to Victimization

Women and children often become victims of trafficking for the following reasons:

- **Poverty**
- Lack of safety nets
- Low status within family
- Ill informed families sell their children
- Cultures of shame ban trafficked persons

Trafficking is…

Modern day slavery stemming from:

- Greed of perpetrator
- Economic hardship
- Destabilizing forces
  - ✓ Criminal activity
  - ✓ Government corruption
  - ✓ Armed conflict

Photo Credit: Dept of Labor

Perpetrators

Traffickers entice and control their victims in a number of ways

- Lying to victims about future employment, travel, living conditions or treatment
- Promises of valid immigration and travel documents
- Threat of harm to the victim and the victim’s family

Perpetrators (continued)

- Involving victims in additional criminal activities
- Moving victims around on a circuit of workplaces or brothels
- Coaching victims on what to say to officials

Photo Credit: Human Rights Watch

Who Are the Perpetrators?

- International organized crime
- Small trafficking groups that specialize in one specific country
- Individual freelancers

Don’t Assist the Perpetrators

You aid and encourage trafficking in persons without engaging in it directly by:

- Hiring prostitutes
- Attending nightclubs or strip clubs
- Patronizing businesses that are heavily guarded
- Not reporting cases of suspected trafficking
- Patronizing establishments that use forced labor

Types of Trafficking

- Sexual exploitation
- Child prostitution
- Forced labor
- Child soldiers
- Indentured servants
- Organ harvesting

Photo Credit: DOD JCCC

Check Your Understanding

- The responsible Persons (the “bad guys”) are the people who operate the trafficking enterprise.
  - Agree
  - Disagree
- Trafficking is modern day slavery
  - Agree
  - Disagree
- Traffickers target victims indiscriminately
  - Agree
  - Disagree
- A basic outline of the trafficking process would look like:
  - Recruitment>transportation>exploitation
  - Transportation>recruitment>exploitation
- The United Nations defines trafficking as recruitment, transportation, transfer, harboring or receipt of persons.
  - Agree
  - Disagree

Photo Credit: Teun Voeten – Panos Pictures

DETECTION

There Was a Bar Downstairs…

"Every night we were made to go there and find clients for sex. I tried not to attract attention by dressing modestly and sitting by myself."

"Girls who would not cooperate were taken down to the basement and beaten across their backs – where it would not show but still be painful – causing damage to their kidneys."

Detection

Objectives

- Be able to identify signs that a person may be a victim of trafficking
- Be aware of where trafficked persons can be found
- Know the procedures for reporting an instance of real or suspected trafficking

Signs of Trafficking

- Victims can’t speak the local language or move about and live in the local community
- Heavy security and restrictive access at brothels or other workplace
- Secretive advertisements for services
- Domestic violence

Where to Find Victims

- Nightclubs
- Bars
- Modeling studios
- Spas
- Clubs
- Escort services
- Massage parlors
- Adult

Photo Credit: Teun Voeten – Panos Pictures

Advertising

Advertisements for establishments that use trafficked persons will boast of having an ethnically diverse staff and can be found in:

- Yellow pages (under escort service and massage parlors)
- Free guides at adult bookstores
- Mail-order bride catalogues
- Tabloids

Reporting Trafficking

If you believe you have witnessed a trafficking operation or believe a person is being trafficked, you should. . .

Report that information to your chain of command, Provost Marshal or IG

Check Your Understanding

- Signs of trafficking are usually subtle; detection requires vigilance
  - Agree
  - Disagree
- Unless you attend strip clubs a lot, you're unlikely to come across trafficking victims
  - Agree
  - Disagree
- Ads that boast of ethnically diverse women should raise suspicion
  - Agree
  - Disagree
- If you think you've identified a victim, you should try to help them immediately
  - Agree
  - Disagree

LEGAL PROVISIONS

Legal Provisions

Objectives

- Understand the UCMJ (Article 134) offense of "Patronizing a Prostitute“
- Be aware of the Military Extraterritorial Jurisdiction Act of 2000 (MEJA)
- Be aware of the legal sanctions against military and civilian involvement with trafficking in persons
- Be aware of the legal consequences of trafficking in persons

UCMJ
Military Personnel

Legal Prohibition on Prostitution

- On October 14, 2005, President Bush signed E.O. 13387 "2005 Amendments to the Manual for Courts-Martial, United States" that enumerates the Article 134, UCMJ, offense of "Patronizing a Prostitute“

- “(b)(2) Patronizing a Prostitute
- (a) That the accused had sexual intercourse with another person not the accused spouse;
- (b) That the accused compelled, induced, enticed, or procured such person to engage in an act of sexual intercourse in exchange for money or other compensation; and
- (c) This act was wrongful; and
- (d) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces”

UCMJ
Military Personnel

- Military personnel are subject to UCMJ jurisdiction 24/7, while on or off duty, while on or off military reservation, and worldwide
- Members of the Reserve Components are subject to UCMJ when performing active duty or training (National Guard when in Federal Status)
- Retired regular members of the armed forces who are entitled to pay are subject to UCMJ
- As a general rule, military family members and civilian employees are not subject to UCMJ

UCMJ
Civilian Personnel

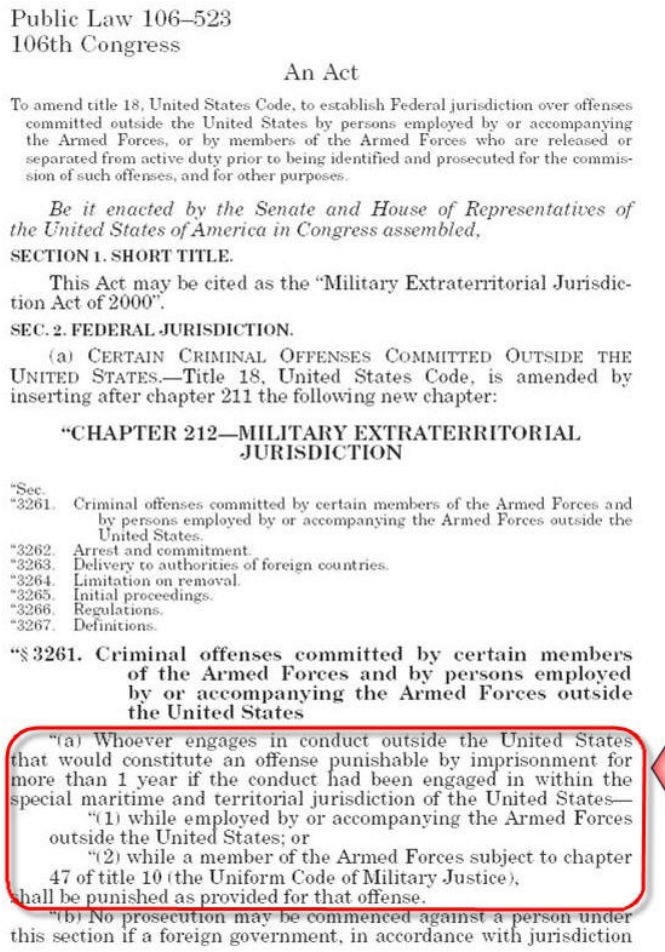
- DoD civilian employees and DoD contract employees are subject to the

  UCMJ when they are serving with or accompanying Armed Forces in the

  field during a time of congressionally-declared war or a contingency

  operation.

MEJA 2000
DoD Civilians/Contractors



Public Law 106–523
106th Congress

An Act

To amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Extraterritorial Jurisdiction Act of 2000".

SEC. 2. FEDERAL JURISDICTION.

(a) CERTAIN CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

"CHAPTER 212—MILITARY EXTRATERRITORIAL JURISDICTION

"Sec.
"3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States.
"3262. Arrest and commitment.
"3263. Delivery to authorities of foreign countries.
"3264. Limitation on removal.
"3265. Initial proceedings.
"3266. Regulations.
"3267. Definitions.

"§ 3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

"(a) Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States—
"(1) while employed by or accompanying the Armed Forces outside the United States; or
"(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice),
shall be punished as provided for that offense.

"(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction

"…engaged in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States…"

MEJA 2000
DoD Civilians/Contractors

In other words, crimes committed abroad will be punished **as if they were committed in the US**

DoD Instruction 5525.11, "Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members“ (Available at http://www.dtic.mil/whs/directives/)

DoD Contractors

Defense Federal Acquisition Regulation (DFAR) TIP rule

Companies have a trafficking clause in their employment contract which stipulates they are responsible for:

- **Complying with Host Nation & US Law, DoD Policy and local theater regulations on TIP;**
- **They are subject to contract penalties for non-compliance**
- **Train their employees on the Phenomenon of Trafficking in Persons**

Responsibility also flows down to any and all subcontractors of a given company

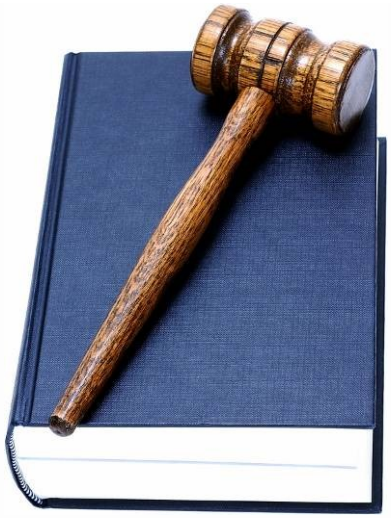
Check Your Understanding

- Retired regular members of the armed forces who are entitled to pay are not subject to UCMJ.
  - Agree
  - Disagree

- DoD civilian and DoD contract employees are always subject to the UCMJ when they are serving with or accompanying Armed Forces.
  - Agree
  - Disagree

- Under MEJA all crimes committed abroad will be punished as if they were committed in the US.
  - Agree
  - Disagree

- Defense Federal Acquisition Regulation (DFAR) TIP rule only applies to the prime contractor
  - Agree
  - Disagree



SUMMARY

Summary

Trafficking Phenomenon

- Trafficking preys on those who are economically and socially vulnerable
- Traffickers use a variety of techniques to maintain control of their victims

Detection

- Trafficked persons are often in controlled, vulnerable situations
- You should know the procedures for reporting suspected trafficking

Summary (continued)

Legal Provisions

- The United States treats serious crimes committed by service members abroad as if they were committed at home
- Patronizing a Prostitute is a UCMJ Offense
- Involvement in trafficking carries serious consequences
- The United States has a **zero tolerance policy** toward trafficking

Where to Get More Information

- 2008 Trafficking in Persons Report
  http://www.state.gov/g/tip/rls/tiprpt/2008/
  - Related Links:
  - 1. DoDIG Website:
  - http://www.dodig.mil/Inspections/IPO/combatinghuman.htm
  - 2. Department of State:
  - http://www.state.gov/g/tip/
  - 3. Department of Justice
  - http://www.usdoj.gov/whatwedo/whatwedo_ctip.html
  - 4. Department of Labor:
  - http://www.dol.gov/ilab/
  - 5. Department of Health and Human Services
  - http://www.acf.hhs.gov/trafficking/